

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

ANTHONY KENNEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06-CV-612-GKF-PJC
)	
PCIDC STUDENT LOAN, INC.,)	
)	
Defendant.)	

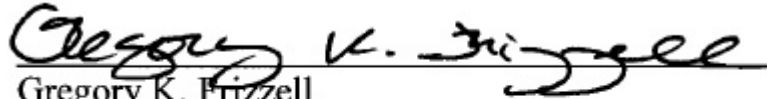
OPINION AND ORDER

This matter comes before the court on the combined Motion to Dismiss and/or Motion for Summary Judgment [Document Nos. 18 & 20] of PCIDC, Inc. Pro se plaintiff Anthony Kenney (“Kenney”) failed to respond to the motion by September 10, 2007, as required by LCvR 7.2(e). Seeing no response, the court entered an Order on October 19, 2007 granting Kenney an additional eleven days to respond, as is permitted by Local Civil Rule 7.2(f). The court notified Kenney that if he did not respond within the additional time, the case would be dismissed or the motion would be deemed confessed. [Document No. 27]. On November 6, 2007, Kenney filed a document entitled “Rule 7.4 Failure to File & Serve.” [Document No. 28]. The document is not responsive to PCIDC’s motion.

Premises considered, the Motions to Dismiss and/or for Summary Judgment are deemed confessed. The motion to dismiss is granted on the grounds of lack of subject matter jurisdiction and for lack of in personam jurisdiction. Alternatively, the motion for summary judgment is granted because the same issues and subject matter were previously adjudicated between PCIDC and Kenney in the Municipal Court of Sherwood, Arkansas.

WHEREFORE, the Motion to Dismiss and/or Motion for Summary Judgment [Document Nos. 18 & 20] of defendant PCIDC Student Loan, Inc. are granted.

IT IS SO ORDERED this 19th day of November 2007.

A handwritten signature in black ink, reading "Gregory K. Frizzell". The signature is written in a cursive, flowing style. The first name "Gregory" is written with a large, prominent "G". The middle initial "K." is written in a smaller, more compact script. The last name "Frizzell" is written with a long, sweeping "l" that extends to the right.

Gregory K. Frizzell
United States District Judge
Northern District of Oklahoma